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SENATE BILL 1155

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO SCHOOL PERSONNEL; PROHIBITING A LOCAL SCHOOL BOARD FROM CONSIDERING A PREEXISTING PHYSICAL IMPAIRMENT OR A PREVIOUS WORKERS' COMPENSATION CLAIM OR WORKERS' COMPENSATION PAYMENT WHEN MAKING A DECISION TO HIRE, TERMINATE OR REEMPLOY PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the School Personnel Act is enacted to read:

"[NEW MATERIAL] CONSIDERATION OF PREEXISTING CONDITIONS OR WORKERS' COMPENSATION HISTORY PROHIBITED.--In addition to the discrimination prohibited by the federal Americans with Disabilities Act of 1990, in making a decision to hire, terminate or reemploy school personnel, a local school board shall not consider a preexisting physical impairment or a

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1 previous workers' compensation claim or workers' compensation
2 payment, provided that nothing in this section shall impose any
3 duty on the local school board that would be considered an
4 "undue hardship" under the federal Americans with Disabilities
5 Act of 1990."

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